

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison
Company (U 338-E) to Establish Marginal
Costs, Allocate Revenues, and Design Rates.

Application 05-05-023

**ADMINISTRATIVE LAW JUDGE'S RULING
ON NOTICES OF INTENT TO CLAIM COMPENSATION
FOR THE UTILITY REFORM NETWORK, THE VOTE SOLAR INITIATIVE,
AND AGRICULTURAL ENERGY CONSUMERS ASSOCIATION**

Summary

On August 17, 2005, a Notice of Intent to Claim Compensation (NOI) was filed and served by The Utility Reform Network (TURN); and on August 18, 2005, NOIs were filed and served by The Vote Solar Initiative (Vote Solar) and Agricultural Energy Consumers Association (AECA). No responses to these NOIs have been received.

This ruling finds TURN and Vote Solar are eligible to claim compensation in this proceeding. This ruling also provides a preliminary determination that AECA is eligible to claim compensation subject to successfully making a showing of significant financial hardship and providing certain other information in its request for compensation.

Background

The Commission's "Intervenor Compensation Program Guide" dated January 2004 identifies the items that must be included in, and provides a template for, an NOI.¹ The necessary items are:

- a. Summary information,
- b. Statement of timely filing,
- c. Statement of customer status,
- d. Explanation of significant financial hardship,²
- e. Description of the nature and extent of planned participation,
- f. Itemized estimate of costs of participation, and
- g. Conclusion.

Discussion

TURN states that it has a long history of representing residential and small customer interests, and requests a finding that TURN is a customer as defined in Section 1802(b)(1)(C).³ TURN states it is a group or organization authorized by its articles of incorporation or bylaws to represent the interests of residential ratepayers. TURN was recently found eligible by ALJ ruling in Rulemaking 04-04-003.⁴ This proceeding commenced within one year of the date of that

¹ For NOIs, see pp. 3-7, and pp. 14-16, of the Program Guide, which may be accessed via the following internet link:
<http://www.cpuc.ca.gov/PUBLISHED/REPORT/33691.htm>.

² Alternatively, this showing may be deferred to the request for an award of compensation.

³ All references are to the Calif. Pub. Util. Code unless otherwise noted.

⁴ See Administrative Law Judge Mark Wetzell's ruling dated July 27, 2004.

finding, thus TURN has established a rebuttable presumption of significant financial hardship.

Vote Solar states it is a representative that has been authorized by one or more customers to represent them in this proceeding, and therefore qualifies under Section 1802(b)(1)(B). Attached to Vote Solar's NOI is a letter from a Southern California Edison Company customer, Carolyn Schmidt, authorizing Vote Solar as her representative. Vote Solar qualifies as a Category 2 customer, a representative authorized by a customer.

To be eligible for compensation, the financial hardship test for a Category 2 customer requires that the customer cannot afford, without undue hardship, to pay for effective participation in the proceeding. In support of the claim of significant financial hardship, Vote Solar separately filed customer financial information and a motion for a protective order regarding this financial information.⁵ A review of this information shows that the customer cannot, without undue hardship, afford to pay for effective participation in this proceeding. Vote Solar has made a reasonable showing of significant financial hardship.

AECA's NOI states that it represents direct customers of Edison as well as water agencies and agricultural associations.⁶ AECA claims it qualifies as a Category 3 customer.⁷ AECA further explains that in prior decisions,⁸ AECA

⁵ A ruling addressing this motion will be issued separately.

⁶ AECA's bylaws attached to the NOI indicate membership includes agricultural association/cooperative members, water districts and agricultural energy consumers.

⁷ A Category 3 customer is a representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interest of residential

Footnote continued on next page

was found eligible for compensation after exclusion of members with annual bills exceeding \$50,000. AECA adds it recently demonstrated that it is largely composed of small agricultural customers, and that it revised its compensation factor to reflect its composition of small agricultural members in proceedings for A.04-11-007 and A.04-11-008.⁹

In D.05-06-016¹⁰ (A.04-11-007 and A.04-11-008), the Commission notified AECA that in its request for compensation, AECA must demonstrate significant financial hardship, and additional information sufficient to conclude that AECA represents small agricultural customers. This ruling reiterates the Commission's concern, and notifies AECA that its request for compensation must demonstrate significant financial hardship, and provide information consistent with that required in D.05-06-016 demonstrating that AECA represents small customers within the meaning of Section 1802(b)(1)(C). Furthermore, although this ruling finds AECA preliminarily qualifies for eligibility subject to: (1) a showing of significant financial hardship, and (2) information demonstrating that AECA represents small customers, this does not ensure compensation.

No facts are presented here, or otherwise known, that would suggest a different conclusion regarding the eligibility of TURN and Vote Solar for

customers, or to represent small commercial customers who receive bundled electric service from an electrical corporation. (Section 1802 (b)(1)(C).)

⁸ See, D.96-11-048, D.94-02-093, D.96-08-040, and D.96-02-011.

⁹ Whether AECA is largely composed of small agricultural members has not been demonstrated in this NOI, and no ruling or decision has been issued to determine this matter in A.04-11-007 or A.04-11-008.

¹⁰ Pp. 33-35.

purposes of intervenor compensation. As discussed above, AECA's showing is sufficient to make a preliminary determination that it is eligible for compensation.

TURN and Vote Solar provided the required information in a timely filing, including customer status, financial hardship, nature and extent of planned participation, an itemized estimate of costs, and a conclusion.

AECA provided information stating the nature and extent of its participation and an itemized estimate of compensation.

Thus, after consulting with the Assigned Commissioner, this ruling is the "preliminary ruling addressing whether the customer will be eligible for an award of compensation." (Section 1804(b)(1).) TURN, Vote Solar, and AECA are each found eligible as discussed above.

IT IS RULED that:

1. The Utility Reform Network (TURN) and The Vote Solar Initiative (Vote Solar) each:

- a. Is a customer for purposes of intervenor compensation,
- b. Presented a satisfactory (i) statement of the nature and extent of its planned participation, and (ii) itemization of an estimate of compensation it expects to request.

2. TURN has established a rebuttable presumption of significant financial hardship.

3. Vote Solar has established a showing of significant financial hardship.

4. Agricultural Energy Consumers Association (AECA) appears to be a customer as defined by Section 1802(b), but certain questions remain. In any request for compensation that it files, AECA shall include a showing that it is customer notwithstanding its representation of water districts and large

agricultural customers, and shall provide additional information about the nature and role of its association members pursuant to the foregoing discussion.

5. TURN, Vote Solar, and AECA have fulfilled the requirements of Section 1804(a)(2)(A) by providing statements of the nature and extent of their planned participation and itemized estimates of the compensation they expect to request.

6. AECA shall include a showing of significant financial hardship in any request for compensation that it files in this proceeding.

7. TURN, Vote Solar, and AECA may seek compensation in Application 05-05-023, and are placed on notice that a finding of eligibility in no way ensures compensation.

Dated September 16, 2005, at San Francisco, California.

/s/ BRUCE DEBERRY

Bruce DeBerry
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Notices of Intent to Claim Compensation for The Utility Reform Network, the Vote Solar Initiative, and Agricultural Energy Consumers Association on all parties of record in this proceeding or their attorneys of record.

Dated September 16, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

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A.05-05-023 BMD/tcg

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